

REMARKS

Reconsideration of the application in view of the following remarks is requested. Claims 20-38 are in this application. Claims 1-19 have been cancelled.

The Examiner objected to the amendment filed on January 30, 2004 under 35 U.S.C. §132 as introducing new matter into the disclosure. (Applicant assumes the Examiner is objecting to the Preliminary Amendment filed on April 14, 2004 as applicant has no record of an amendment filed on January 30, 2004.) Specifically, the Examiner argued that the phrases "a center chord that lies along a longitudinal centerline of the source strip," "a plurality of spaced-apart first points and a plurality of spaced-apart second points," and "a plurality of spaced-apart third points and a plurality of spaced-apart fourth points" are new matter. For the reasons set forth below, applicant respectfully traverses this objection.

When a claim is rejected under 35 U.S.C. §132, the grounds for rejection must be that the claim recites elements which are not supported by the original disclosure. See MPEP §706.03(o). In addition, it is important to note that the original disclosure includes the elements which are expressly disclosed as well as those elements which are inherently present. Thus, if a claim can be read onto an element which is expressly disclosed or inherently present in the original specification, then there are no grounds to support a §132 new matter rejection.

Further, applicant notes that an applicant can use any language to claim the invention, as long as the meaning of the language is not repugnant to the usual meaning of the language. As a result, applicant can use language to claim the invention that was not previously used in the specification. The test for a §132 new matter rejection is not based whether the language was previously used in the specification, but instead is based on what the language claims. There are no grounds to support a §132 new matter rejection if the language claims an element which was expressly disclosed or inherently present in the original specification,

regardless of whether the language used to claim the element was previously used in the specification.

In the present case, applicant's claim 21 recites a plurality of source strips. The plurality of source strips can be read to be, for example, the p+ source strips 612 and 620 that are shown in FIGS. 6A and 6B of applicant's specification. Thus, the plurality of source strips recited by claim 21 is supported by applicant's original specification.

With respect to claim 22, this claim recites that a source strip has a center chord that lies along a longitudinal centerline of the source strip. For example, p+ source strip 620 can be read to be the source strip of claim 22. Applicant notes that an inherent feature of p+ source strip 620 is that p+ source strip 620 has a longitudinal centerline. As shown in applicant's FIGS. 6A and 6B, p+ source strip 620 has a length that is substantially longer than its width, a substantially uniform depth, and a symmetrical width. All structures which have these features inherently have a longitudinal centerline.

As a result, a claim that recites a center chord that lies along a longitudinal centerline recites a line that is coincident with an inherent feature of the structure. Thus, the center chord and the longitudinal centerline are inherent features that are supported by applicant's original specification, and thus do not introduce any new matter.

Claim 22 also recites that the source strip has a first edge and a second edge. As shown in FIG. 6A, the first edge can be read to be the left edge of p+ source strip 620, while the second edge can be read to be the right edge of p+ source strip 620. Thus, the first edge and the second edge recited by claim 22 are supported by applicant's original specification.

Further, claim 22 recites that the first edge has a plurality of first and second points, and the second edge has a plurality of third and fourth points. Claim 22 additionally recites that a first distance between a first point and a third point is greater than a second distance between a second point and a fourth point. As

shown in applicant's FIG. 6A, the first distance can be read to be the length of line W4, and one pair of the first and third points can be read to be the opposite ends of line W4. Further, the second distance can be read to be the length of line W3, and one pair of the second and fourth points can be read to be the opposite ends of line W3.

Thus, the first and second distances and the first, second, third, and fourth points recited by claim 22 are supported by applicant's original specification. As a result, the language cited by the Examiner is supported by applicant's original specification. Thus, the amendment filed on April 14, 2004 does not introduce new matter into the application.

The Examiner also rejected claims 20 and 22-38 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, with respect to claim 20, the Examiner asked what it means to have a first strip that has width that varies with length from a first width to a second larger width to the first width.

The plurality of first strips recited by claim 20 can be read to be, for example, the p+ source strips 612 and 620 shown in FIGS. 6A and 6B of applicant's specification. With specific reference to p+ source strip 620 shown in applicant's FIGS. 6A and 6B, p+ source strip 620 has a length and a width. In addition, the width varies along the length from a width W3 to a larger width W4 and back again to the width W3.

Thus, a width that varies with length from a first width to a second larger width and back again to the first width can be read to be the width of source strip 620, which varies with length from a first width W3 to a second larger width W4 and back again to width W3. Likewise, the same reasoning applies to the second strip, which can be read to be, for example, p+ drain region 614. As a result, claim 20 is believed to satisfy the requirements of the second paragraph of section 112.

With respect to claim 22, the Examiner argued that the phrases "a center chord," "a longitudinal centerline," and "plurality of spaced-apart" are vague and indefinite because these limitations have not been properly defined in the specification. Applicant notes, however, that the test for indefiniteness is not whether the claim terms have been used or defined in the specification, but whether the claim terms are clear.

As noted above, applicant can use any language to claim the invention, as long as the meaning of the language is not repugnant to the usual meaning of the language. As a result, applicant can use language to claim the invention that was not previously used or defined in the specification. In addition, as further noted above, the claim phrases "a center chord," "a longitudinal centerline," and "plurality of spaced-apart" are supported by the specification.

As a result, claim 22 is believed to satisfy the requirements of the second paragraph of section 112. In addition, claims 23-38 are believed to satisfy the requirements of the second paragraph of section 112 as the Examiner did not specifically address these claims.

Thus, for the foregoing reasons, it is submitted that all of the claims are in a condition for allowance. Therefore, the Examiner's early re-examination and reconsideration are respectively requested.

Respectfully submitted,

Dated: 11-15-04

By: Mark C. Pickering

Mark C. Pickering
Registration No. 36,239
Attorney for Assignee

P.O. Box 300
Petaluma, CA 94953-0300
Telephone: (707) 762-5500
Facsimile: (707) 762-5504
Customer No: 33402